

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H304718

BILLIE ROBINS, EMPLOYEE

CLAIMANT

DASSALT FALCON JET CORP. EMPLOYER

RESPONDENT

ZURICH AMERICAN INS. CO.

RESPONDENT

OPINION FILED NOVEMBER 21, 2024

Hearing before Administrative Law Judge James D. Kennedy in Little Rock, Arkansas on November 5, 2024.

Claimant is pro se and failed to appear.

Respondents are represented by their attorney, Michael Stiles.

STATEMENT OF THE CASE

A hearing was held in the above styled matter on November 5, 2024, in Little Rock, Arkansas, on respondent's Motion to Dismiss for failure to prosecute pursuant to Arkansas Code Ann. 11-9-702 and Rule 099.13 of the Arkansas Workers' Compensation Act. The claimant was pro se and failed to appear for the hearing. The Claimant had alleged that he had sustained work related injuries to his head, right shoulder, and thoracic spine, as the result of a specific work-related incident on March 28, 2023. An AR-C was filed on November 3, 2023. The respondents accepted the claim as a medical only claim as compensable on behalf of the Claimant as a result of the injury to his head, right shoulder, and thoracic spine. The respondents denied and controverted in its entirety the Claimant's alleged injury to his lumbar spine as a result of the March 28, 2023, incident. On December 6, 2023, the Respondents propounded Interrogatories and medical authorizations to the Claimant, but the Claimant failed to respond within the time-period as requested. On January 26, 2024, the Claimant's attorney, Laura Beth York, filed a

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Motion to Withdraw as Counsel and the request was granted on March 5, 2024, by the Full Commission.

No action has been taken to pursue this matter since the filing of Form AR – C on November 3, 2023, and no hearing request or further action has been taken by the claimant in regard to this matter in over six (6) months. A Motion to Dismiss was filed by the respondents in this matter on September 13, 2024.

Appropriate notice was provided to the claimant notifying him that a hearing on the Motion to Dismiss was set for November 5, 2024, in Little Rock, Arkansas. The claimant did not file a response and failed to appear on the hearing date. At the time of the hearing, Michale C. Stiles appeared on behalf of the Respondents and asked that the matter be dismissed for lack of prosecution.

After a review of the record as a whole, to include all evidence properly before the Commission, and having an opportunity to hear the statements of the attorney for the Respondent, it is found that this matter should be dismissed without prejudice, for failure to prosecute pursuant to A.C.A. 11-9-702 and Rule 099.13 of the Arkansas Workers' Compensation Act.

ORDER

Pursuant to the above statement of the case, there is no alternative but to dismiss this claim in its entirety, without prejudice, for failure to prosecute.

JAMES D. KENNEDY
ADMINISTRATIVE LAW JUDGE